

ABSTRACT

Apartment having occupant density level, require management arrangements because they have potential to cause many disputes. The Law Number 20 of 2011 gives a mandate for the formation of PPPSRS (Formation of the Association of Apartment Unit Residents) as a forum for realizing justice and legal protection for all owners. In practice it does not work well and there is often a dispute between the owner and the developer because there are not clear legal norms in the Law. This study uses normative legal research to discuss 2 (two) problems, namely: 1) the Legislative Ratio of the existence of the Association of Owners and Residents of Apartment Units; and 2) Relationship between owners, developer, association of owners and residents of unit flat and the managing body. The Research Methods, using normative legal research. Legal materials are in the form of primary legal materials and secondary legal materials. Approach to the problem, namely: the statutory approach (statute approach), conceptual approach (conceptual approach), comparative approach (comparative approach) and the case approach (case approach). The procedure for collecting and processing legal materials using the inventory and categorization method is based on the hierarchy of legislation. Analysis of legal materials that have been collected, inventoried and identified on the basis of coherence and consistency, with a process of legal, logical, systematic, coherent reasoning by abstracting laws and regulations related to PPPSRS and flats.

Based on the analysis of the two problems, the following conclusions were obtained: First, the formation of PPPSRS did not work and often disputes arose in determining the legality of its establishment and the process of its changes. Second, the legal relationship between the developer and the owners is needed in the management of the apartment. Developers own all sources of information and legal relationships with third parties. For this conclusion, the author's suggestions are as follows: First, aimed at the Government to immediately issue a Government Regulation as mandated by Law Number 20 of 2011. Second, to the Minister of Public Works and Public Housing, the PPJB (sale purchase agreement) material guide is embodied in the draft PPJB standard according to the version Government. So that the standard agreement does not become a barrier and can provide legal protection for the developer as well as the buyer of the apartment unit.

Keywords: PPPSRS, Apartment/Flats, owners, developer and legal protection.